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9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 OAKLAND DIVISION

12 UNITED STATES OF AMERICA, ) CASE NO. CR 24-504 JSW; CR 19-272 JSW

13 Plaintiff, )

14 v. )

15 RICHARD LEE HARDMAN, )

16 Defendant. )

) **SENTENCING MEMORANDUM**

) Date: January 14, 2025

) Time: 1:00 p.m.

) Before: Hon. Jeffrey S. White

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1 **I. INTRODUCTION**

2 The United States recommends a sentence of 34 months imprisonment in this case, with 34  
3 months to be imposed in the newly indicted case and 24 months imposed on the supervised release  
4 violations, all to be served concurrently. The recommended sentence addresses the nature and  
5 seriousness of the conduct, promotes respect for the law, provides for a just sentence, advances  
6 deterrence, protects the community, and considers the history and characteristics of the defendant. It  
7 also recognizes the timely acceptance of responsibility by Mr. Hardman for his possession of the loaded  
8 firearm on June 12, 2024. Probation joins in the recommended sentence.

9 **II. FACTUAL BACKGROUND**

10 **A. Defendant's Offense Conduct**

11 On June 12, 2024, law enforcement arrested Mr. Hardman in Pinole, California, pursuant to a  
12 Ramey warrant. At the time of his arrest, Mr. Hardman knew that he possessed a Glock 31 .357 firearm,  
13 serial number VTU719 with an attached 20 round capacity magazine. Plea Agreement, ¶ 2 at ECF 19.

14 Before the arrest, Mr. Hardman drove a 2017 Gold Ford Fusion from an address in San Pablo,  
15 California to the supermarket in Pinole, California. PSR ¶ 6. After parking the Ford Fusion, Mr.  
16 Hardman walked into the market with the Glock 31 firearm tucked into his pants. Officers, who  
17 observed Mr. Hardman walk into the store with a large bulge under his clothing at the center of his  
18 waistband, went into the market to execute the arrest warrant. PSR ¶ 6. Mr. Hardman attempted to flee  
19 from officers but after a short time, officers apprehended Mr. Hardman inside the store and carried out  
20 the arrest. PSR ¶ 7. When they searched Mr. Hardman's person, officers located a Glock 31 .357  
21 caliber, serialized firearm with an attached 20 round magazine in Mr. Hardman's pant leg near his ankle.  
22 PSR ¶ 8.

23 At the time of the defendant's arrest on June 12, 2024, he had been previously convicted of an  
24 offense punishable by a term of imprisonment of more than one year, and he knew that he had been  
25 convicted of such an offense. For example, on January 28, 2020, this Court in *United States v.*  
26 *Hardman*, CR 19-272 JSW sentenced him to 30 months imprisonment followed by three-years of  
27 supervised release for a violation of 18 U.S.C. § 922(g). PSR ¶ 30.

1 The parties agree that Glock firearms are manufactured in Europe or Georgia, not California.  
2 Plea Agreement, ¶ 2 at ECF 19. Mr. Hardman possessed the Glock in Pinole, which is located in the  
3 Northern District of California.

4 **B. Procedural History**

5 On September 26, 2024, the U. S. Attorney's Office filed a single count Information alleging  
6 violations of 18 U.S.C. § 922(g)(1), felon in possession of a firearm and ammunition. ECF 7.  
7 Defendant waived indictment. ECF 12. On October 8, 2024, the defendant pled guilty. ECF 19.

8 **C. Offense level**

9 The parties agree that the adjusted offense level for the new offense is 17. Plea Agreement, ¶ 6.

10 **III. PENALTIES**

11 The maximum penalty for a violation of 18 U.S.C. § 922(g)(1) is 15 years imprisonment. *See* 18  
12 U.S.C. § 924(a)(8).

13 **IV. SENTENCING RECOMMENDATION**

14 **A. A 34-month sentence is reasonable and appropriate**

15 Taking the 18 U.S.C. § 3553 factors into account, a term of imprisonment of 34 months is an  
16 appropriate and just sentence in this case.

17 **1. History and characteristics of the defendant**

18 Mr. Hardman is an Oakland native who is close to his mother and several siblings but has not  
19 had a consistent relationship with his father. PSR ¶ 45. Growing up as one of several children raised by  
20 a single mother, Mr. Hardman did not experience stable housing but instead lived in the family vehicle,  
21 motels, and shelters, sometimes separated from his mother. PSR ¶ 46.

22 The defendant has experienced gun-related violence, including the 2021 murder of his cousin.  
23 PSR ¶ 57. According to Mr. Hardman, his cousin called him on the phone to say he had been shot, and  
24 during the phone call, he died. Defendant also lost a childhood friend to violence. PSR ¶ 48. The PSR  
25 documents the defendant's mental health challenges. PSR ¶ 54.

26 The defendant has a history of substance abuse and alcohol abuse, and during the relevant time  
27 period, he was consuming both drugs and alcohol to excess. PSR ¶ 57. He is open to a BOP placement

1 that includes an opportunity for RDAP, and the government is in favor of this option, too.

2 Mr. Hardman has earned his GED and shown the ability to work at paid employment. PSR ¶¶  
3 59-62. He indicates a desire to relocate to another area to avoid falling into the same type of conduct.

4 **2. The need to reflect the seriousness of the conduct**

5 Mr. Hardman's act of carrying a loaded Glock with an extended magazine on June 12, 2024 is a  
6 serious offense. At that time, Mr. Hardman was on supervised release for his prior federal conviction  
7 for the same conduct. PSR ¶ 30. He also had prior state convictions for similar conduct, including most  
8 recently in 2022. PSR ¶ 31. The prevalence of gun-related violence in Oakland is already a serious  
9 public problem, made worse if Mr. Hardman can set his own rules of when and how he possesses a  
10 firearm.

11 **3. The need to promote respect for the law**

12 Mr. Hardman's several prior convictions rendered him prohibited from possessing firearms. But  
13 instead, Mr. Hardman armed himself in June 2024. Orders and judgments by this Court and state courts  
14 have not altered Mr. Hardman's decision-making to this point in time. The recommended sentence will  
15 highlight the consequences of his actions to Mr. Hardman. On the other hand, Mr. Hardman's speedy  
16 acceptance of responsibility, and the respect for the law his decision demonstrates, weighs heavily in  
17 favor of the recommended sentence.

18 **4. The need to provide for a just sentence**

19 The government's view is that 34 months is the just sentence. Despite felony convictions in  
20 recent years, with prohibitions on firearm possession imposed by courts, Mr. Hardman did not abide by  
21 his sentences. He knew he could not possess firearms lawfully, and he did it anyway. The  
22 recommended sentence, if imposed, will be the longest term to date imposed on this defendant.

23 **5. The need for adequate deterrence and protection of the community**

24 There is a need for specific deterrence of Mr. Hardman and protection of the community from  
25 Mr. Hardman. He has four prior felony convictions for firearms possession offenses, although two of  
26 those were within six months of his adulthood seven years ago. Furthermore, there is a need for general  
27 deterrence here. The recommended sentence will signal like-minded individuals with prior felony

1 convictions who may possess or contemplate possession of firearms that such conduct will result in a  
2 significant prison term.

3 **B. Supervised Release**

4 The government requests that the Court sentence the defendant to a term of three years of  
5 supervised release. The government also respectfully requests that the Court impose a suspicionless  
6 search condition as part of the sentence in this case. The suspicionless search clause was not included in  
7 the plea agreement, but the offense conduct and criminal history both demonstrate the need for this  
8 condition upon defendant's release.

9 **V. CONCLUSION**

10 Under the applicable provisions of the Sentencing Guidelines and the factors of 18 U.S.C.  
11 § 3553(a) as applied to this defendant and this criminal conduct, the government requests that the Court  
12 impose a sentence of 34 months of imprisonment, to include 34 months on the new indictment and 24  
13 months on the supervised release, concurrent, to be followed by three years of supervised release. This  
14 sentence appropriately balances the aggravating and the mitigating sentencing factors in this case.

15 Respectfully submitted,

16 ISMAIL J. RAMSEY  
17 United States Attorney

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19 Dated: January 7, 2025

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21 /s/  
22 JONATHAN U. LEE  
23 Assistant United States Attorney  
24 Attorney for the UNITED STATES OF AMERICA  
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